

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25570 of 2024

Arising Out of PS. Case No.-296 Year-2023 Thana- SANDESH District- Bhojpur

1. Nikka Kumar Son Of Babunand Sah Resident Of Village- Pakariyar Purab Patti, P.S.- Sewarahi, Dist- Kushinagar
2. Jainath Yadav Son Of Mangal Yadav Resident Of Village- Basdila Bujurg Salem Garh, P.S.- Taraiya, Dist- Kushinagar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prabhat Kumar Singh, Advocate
For the Opposite Party/s : Mr. Shyam Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

3 31-07-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend their arrest in connection with Sandesh P.S. Case No. 296 of 2023, instituted under Sections 379, 411, 353, 384, 34 of the Indian Penal Code.

3. As per the prosecution case, on 18.12.2023 two trucks coming from Sand Ghat were caught but driver of both the trucks managed to flee away with the help of driver of a motorcycle. Thereafter, a *Chaukidar* was put on duty near the trucks. It is further alleged that at 3.30 a.m. *Chaukidar* informed that unknown persons are taking away both the trucks. On chase one truck was caught but driver and other persons fled away with second truck. It is alleged that truck was loaded with illegal sand.

4. Learned counsel for the petitioners submits that



petitioners are owner and driver of the seized truck who have been falsely implicated in this case. Petitioner No. 1 has already paid fine of Rs. 3,40,570/- to the Mines Department, Ara and in support of the same copy of receipt has been filed on record. Petitioners have no criminal antecedents. They undertake to co-operate in the investigation and trial.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail.

6. Considering the facts and circumstances of the case and submission of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioners be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned concerned Court where the case is pending in connection with Sandesh P.S. Case No. 296 of 2023, subject to the conditions laid down in Section 438 (2) of the Code of Criminal Procedure, 1973.

(Sunil Dutta Mishra, J)

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